

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

INFO-HOLD, INC.,
Plaintiff,

Case No. 1:11-cv-283

vs.

Judge Timothy S. Black

MUZAK HOLDINGS LLC, *et al.*,
Defendants.

**ORDER GRANTING DEFENDANT'S MOTION FOR PARTIAL SUMMARY
JUDGMENT THAT PLAINTIFF INFO-HOLD IS NOT ENTITLED TO
INJUNCTIVE RELIEF (Doc. 115)**

This civil action is before the Court on Defendant's Motion for Partial Summary Judgment that Plaintiff Info-Hold is Not Entitled to Injunctive Relief (Doc. 115) and the parties' responsive memoranda (Docs. 130 and 131).

For an injunction to issue, the party requesting injunctive relief must show that:

(1) it has suffered an irreparable injury; (2) legal remedies, such as money damages, are inadequate compensation; (3) the balance of hardships warrants an injunction; and (4) the public interest would not be disserved by an injunction. *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006) (emphasis added). Here, Joey Hazenfeld, Plaintiff's CEO, admitted in his deposition that any hardship to Plaintiff caused by the alleged infringement at issue in this suit can be remedied through an award of money damages. (Doc. 117 at 2). Plaintiff therefore has no basis upon which to seek an injunction because it cannot demonstrate prong 2 of the *eBay* test.

Furthermore, in its responsive memorandum, Plaintiff withdraws any claim for injunctive relief and asserts that it will not pursue an injunction “either by Motion or Prayer for Relief.” (Doc. 130 at 1). Thus, summary judgment is also appropriate to reflect Plaintiff’s abandonment of its prayer for injunctive relief.

For the reasons stated, Defendant’s Motion for Partial Summary Judgment that Plaintiff Info-Hold is Not Entitled to Injunctive Relief (Doc. 115) is **GRANTED**.

IT IS SO ORDERED.

Date: March 4, 2013

s/ Timothy S. Black
Timothy S. Black
United States District Judge